

SOLID WASTE DISPOSAL ACT (SWDA)

8-9-B. Administrative Enforcement: Agency Representation
in Hearings and Signing of Consent Agreements

1. AUTHORITY.

a. To represent the Agency in administrative enforcement actions conducted under the Solid Waste Disposal Act (SWDA) and 5 U.S.C. Section 554.

b. To negotiate consent agreements between the Agency and respondents resulting from such enforcement action.

c. To initiate an appeal from an administrative determination and represent the Agency in such appeals.

d. To sign consent agreements between the Agency and respondents resulting from such enforcement action.

2. TO WHOM DELEGATED.

a. The authorities in 1.a., 1.b., and 1.c. are delegated to the Regional Counsel.

b. The authorities in 1.b. and 1.d. are delegated to the Director, Land and Chemicals Division (LCD); Associate Director, Office of Land Enforcement, LCD; Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ); and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

a. This authority may only be exercised after the alleged violator either files an answer or fails to file any answer.

b. The Regional Counsel must consult with the Assistant Administrator for Enforcement and Compliance Assurance prior to initiating an appeal.

c. The OECEJ delegates may exercise these authorities only in multi-media cases.

SOLID WASTE DISPOSAL ACT (SWDA)

8-9-B. Administrative Enforcement: Agency Representation
in Hearings and Signing of Consent Agreements (Cont.)

3. LIMITATIONS. (Cont.)

d. The OECEJ delegates must consult with the LCD delegates before exercising these authorities.

e. The delegates in 2.b., above, must obtain the concurrence of the Regional Counsel or his/her designees prior to exercising these authorities.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Section 3001(b)(3)(B)(iv) and 3008 (except 3008(h)) of SWDA; 40 CFR 22.

b. See Chapter 8 Delegation entitled, "Administrative Enforcement - Corrective Action: Agency Representation in Hearings and Signing of Consent Agreements."

6. SUPERSESSSION. Delegations Manual, SWDA, Regional Delegation 8-9-B. Administrative Enforcement: Agency Representation in Hearing and Signing of Consent Agreements, 1200 TN RIII-126, (September 1, 1998).

Date 2/27/03

/s/
Donald S. Welsh
Regional Administrator